IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6318 of 2007()

CMP.2466/2007 of J.M.F.C.,PEERUMEDU
CRIME NO.178/2006 OF PEERMADE POLICE STATION

.....

: PETITIONER/2ND ACCUSED

VARGHESE, S/O. GEORGE,
KURYANAD VEEDU, VEMBANADU ESTATE LAYAM,
UPPUKULAM BHAGOM, THYFORD KARA, ELAPPARA VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6318 of 2007

Dated this the 22nd day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He along with co-accused was allegedly found to be in possession of 410 litres of illicit liquor and 35 litres of spirit on 28.07.06. The petitioner could not be apprehended as he allegedly took to his heels. Investigation is in progress. The petitioner was arrested on 23.09.07 and he continues in custody from that date. The co-accused was arrested on 28.07.06 and he was enlarged on bail. The petitioner has no history of any criminal antecedents, submits the learned Public Prosecutor .

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigator is given some further time to complete the investigation and I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 03.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer from the date of her release between 10 a.m and 12 noon on all Mondays and Fridays for a period of 2 months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-